

Draft Construction and Demolition and Inert Debris Regulatory Requirements

Title 14. Natural Resources

Division 7. California Integrated Waste Management Board

Chapter 3.0. Minimum Standards for Solid Waste Handling and Disposal

Article 4. Definitions

Section 17225.15 Construction and Demolition ~~Wastes-Debris~~.

~~"Construction and Demolition Wastes-Debris"~~ include the waste means building materials, and solid waste resulting from construction, remodeling, repair, cleanup, or demolition operations that are not hazardous as defined in PRC section 40141. This term includes asphalt concrete, Portland cement concrete, brick, lumber, gypsum wallboard, cardboard and other associated packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures, roofing material, ceramic tile, carpeting, plastic pipe and steel. The term also includes rock, soil, tree stumps, and other vegetative matter resulting from land clearing and landscaping for construction or land development projects. The term does not include construction and demolition debris commingled with ten percent or greater by volume of other types of nonhazardous solid waste.

Article 5.9. Construction and Demolition and Inert Debris Regulatory Requirements

Section 17380. Authority and Scope.

(a) This Article is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (Act) commencing with Section

1 40000 of the Public Resources Code, as amended. These regulations should be read
2 together with the Act.

3 (b) This Article implements those provisions of the Act relating to the handling, storage,
4 processing, or disposal of construction and demolition and inert materials. Nothing in
5 this Chapter is intended to limit the power of any federal, state, or local agency to
6 enforce any provision of law that it is authorized or required to enforce or administer.

7 (c) Nothing in these standards shall be construed as relieving any owner, operator, or
8 designee from the obligation of obtaining all required permits, licenses, or other
9 clearances and complying with all orders, laws, regulations, or reports, or other
10 requirements of other regulatory or enforcement agencies, including, but not limited to,
11 local health entities, regional water quality control boards, air quality management
12 districts or air pollution control districts, local land use authorities, and fire authorities.

13
14 NOTE: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code
15 (PRC).

16 Reference: Sections 40053, 43020, and 43021, PRC.
17

18 **Section 17381. Definitions.**

19 For the purposes of this Article, the following definitions shall apply:

20 (a) "Biomass conversion" has the same meaning as under Section 40106 of Chapter 2
21 Division 30 Public Resources Code (PRC).

22 (b) "Construction and demolition debris" means building materials and solid waste
23 resulting from construction, remodeling, repair, cleanup, or demolition operations that
24 are not hazardous as defined in PRC section 40141. This term includes asphalt
25 concrete, Portland cement concrete, brick, lumber, gypsum wallboard, cardboard and
26 other associated packaging, roofing material, ceramic tile, carpeting, plastic pipe and
27 steel. The term also includes rock, soil, tree stumps, and other vegetative matter
28 resulting from land clearing and landscaping for construction or land development
29 projects. The term does not include construction and demolition debris commingled
30 with ten percent or greater by volume of other types of nonhazardous solid waste.

1 (c) "Construction and demolition debris operation" or "Construction and demolition
2 debris facility" includes:

3 (1) "Construction and demolition debris operation" or "Operation" means an
4 operation that receives less than 100 tons of construction and demolition debris per
5 operating day for the purposes of storage, handling or processing of the debris.

6 (2) "Construction and demolition debris facility" or "Facility" means a facility that
7 receives 100 tons or more of construction and demolition debris per operating day for
8 the purposes of storage, handling or processing of the debris.

9 (3) "Construction and demolition debris operations" or "Construction and
10 demolition debris facilities" do not include: (1) wood waste per PRC 40195.1(b), (2)
11 construction and demolition activities conducted within the permitted areas of solid
12 waste transfer and/or processing stations, (3) Construction and Demolition Material
13 Recycling Centers, (4) Manufacturers, (5) Reuse Salvage operations, or (6) Scrap Metal
14 Recyclers and Dealers.

15 (d) "Construction and Demolition Material Recycling Center"¹ means:

16 (1) an activity that meets the following requirements:

17 (a) it receives only material that has been separated for reuse prior to receipt;
18 and

19 (b) the residual amount of this material contained within each load of incoming
20 materials handled by the center is less than 10% by volume of the amount of material
21 received; and

22 (c) the only separation occurring at the center is the sorting of materials that
23 have been separated for reuse prior to receipt; and

24 (d) the operator may include an adjustment in the calculation to include the
25 weight of water in the residual, provided that such an adjustment is also made, if
26 necessary, in the weight of materials received for processing only when the use of water
27 is essential to the sorting or processing of the material.

28 (2) if the EA has information that solid waste is being received or that the total
29 residual is 10% or greater by volume per load, the burden of proof shall be on the owner

¹ Using the concept of "recycling center" as proposed in the current version of the draft Transfer/Processing Operations and Facilities Regulatory Requirements; will be modified as necessary to coincide with those regulations.

1 or operator to demonstrate that solid waste is not being received or that the residual is
2 less than 10%;

3 (3) operations that have indicated that they are recycling centers which do not
4 meet the 10% residual percentage in subdivision (A)(ii) of this definition within one
5 month of the effective date of these regulations shall be deemed to be
6 transfer/processing operations or facilities.

7 (4) recycling center operators may voluntarily report their residual percentage to
8 EAs and the CIWMB using form CIWMB 607.

9 (e) "Disposal" means:

10 (1) final deposition of construction and demolition or inert debris onto land.

11 (2) disposal includes stockpiling onto land of: (A) construction and demolition
12 debris that has not been sorted for further processing or resale, if such stockpiling is for
13 a period of time greater than 30 days; (B) construction and demolition debris that has
14 been sorted for further processing or resale, if such stockpiling is for a period of time
15 greater than one year; or (C) stockpiling onto land of inert debris that is for a period of
16 time greater than one year.

17 (3) Notwithstanding subdivision (e)(2) of this section, deposition onto land shall
18 not constitute disposal if the site has received local land use approval that (A) allows for
19 stockpiling for a longer period of time than specified in that subdivision; and (B) does not
20 identify, designate, or characterize the activity as disposal.

21 (4) disposal does not include the use of construction and demolition debris for
22 cover material at a solid waste landfill provided that this use conforms to the alternative
23 daily cover requirements found in Title 27, Section 20690.

24 (5) disposal does not include any of the excluded activities described in Section
25 17382.

26 (f) "EA" means enforcement agency as defined in PRC 40130.

27 (g) "Engineered inert fill", for the purposes of this Article, means rock or similar
28 irreducible materials, which are spread in lifts and compacted under carefully controlled
29 conditions to achieve a uniform and dense mass which is capable of supporting
30 structural loading. The inert fill material shall be compacted in accordance with the local
31 grading ordinance or other methods approved by the project's lead agency as

1 appropriate for the approved end use and certified by a licensed California Civil or
2 Geotechnical Engineer or similar licensed professional. The engineered inert fill may
3 include any inert solid that is: (1) likely to retain its physical and chemical structure
4 under expected conditions of beneficial use, (2) not a pollution threat to the environment
5 or a fire hazard, and (3) part of a locally approved end use (e.g., roads, building sites, or
6 other improvements) where fill material is required to facilitate beneficial use of the land
7 in accordance with local ordinances. Fill material includes only inert wastes such as soil
8 and rock, asphalt concrete, uncontaminated concrete (including fiberglass or steel
9 reinforcing rods embedded in the concrete), brick, glass, ceramics or other materials,
10 such as nonhazardous wood ash from biomass conversion operations, as determined
11 by the RWQCB. The term "engineered inert fill" does not include fills which are
12 constructed and operated for purposes of disposal and does not include fills which
13 contain white goods, machinery and equipment, auto parts, tires, auto shredder waste,
14 paper, waste tires or shredded tires, drilling muds, industrial or waste water treatment
15 sludges, wood or wood product wastes, or organic, putrescible or biodegradable
16 wastes. Inert waste commingled with other types of solid waste will be classified as
17 municipal solid waste.

18 (h) "Feedstock", for the purposes of this Article, means accumulated material that has
19 been sorted for the purposes of manufacturing a finished product such that residual
20 waste and non-feedstock materials have been removed from the feedstock pile.

21 (i) "High Noise Area", for the purposes of this Article, means an area within an
22 operation or facility where noise levels are high enough to cause hearing loss to
23 personnel or the public, as defined in Title 8, Group 15, Article 105, section 5096.

24 (j) "Inert", for purposes other than protection of water quality, describes the inherent
25 property of a material by which it is likely to retain its physical and chemical structure
26 under expected conditions of disposal or use.

27 (k) "Inert landfill" means a disposal facility that accepts only inert waste such as soil and
28 rock, asphalt concrete, uncontaminated concrete (including fiberglass or steel
29 reinforcing rods embedded in the concrete), brick, glass, and ceramics; for land
30 disposal. Nonhazardous wood ash from biomass conversion operations may also be

1 accepted, as determined by the RWQCB. Inert waste commingled with other types of
2 solid waste will be classified as municipal solid waste.

3 (l) "Landslide debris", for the purposes of this Article, means the soil or rock or other
4 natural material deposited on roadways, bridge decks, or other structures, resulting from
5 the downward movement of a mass of earth or rocks from a mountain, hill, cliff, or road
6 cut.

7 (m) "Manufacturer", for the purposes of this Article, means an entity that sorts, alters,
8 and/or uses incoming virgin or separated for reuse materials as a raw material in
9 making a finished product that is distinct from those raw materials.

10 (n) "Mine reclamation" means the same as in the Surface Mining and Reclamation Act
11 (revised 1/97) PRC Division 2, Chapter 9, Section 2733 of Article 2.

12 (o) "Mining waste" has the same meaning as in 27 CCR 20164.

13 (p) "Nuisance" has the same meaning as in 14 CCR 17225.

14 (q) "Processing" means the controlled separation, recovery, volume reduction, or
15 conversion of solid waste including, but not limited to, organized manual, automated or
16 mechanical sorting, the use of vehicles for spreading of waste for the purpose of
17 recovery, and/or includes the use of conveyor belts, sorting lines or volume reduction
18 equipment.

19 (r) "Public entity" means the state, county, city and county, city, district, public authority,
20 public agency, and any other political subdivision or public corporation in the state.

21 (s) "Putrescible wastes" include wastes that are capable of being decomposed by
22 micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases
23 or other offensive conditions, which are produced by organic wastes.

24 (t) "Reclamation" means the same as in the Surface Mining and Reclamation Act
25 (revised 1/97) PRC Division 2, Chapter 9, Section 2733 of Article 2.

26 (u) "Residual" means the solid waste destined for disposal, further transfer/processing,
27 or transformation which remains after processing has taken place.

28 (v) "Reuse Salvage operation" means an operation which sterilizes, dismantles,
29 rebuilds, or renovates discarded, nonputrescible, separated-for-reuse materials, and
30 that recovers for reuse or recycling distinct material types that have not been
31 commingled with the other materials (e.g., demanufacturers, wire choppers, and

dismantlers of furniture and mattresses, and consumer electronics) before they enter the waste stream.

(w) "Scrap Metal Recyclers and Dealers" means a person or business entity including all employees of the person or business entity, (except automotive recyclers and auto shredders as defined in section 17402 of Article 6), whose primary business is the purchasing, processing by shredding, shearing, baling, and torching, trading, bartering, or otherwise receiving secondhand or castoff metal material which includes ferrous metals, nonferrous metals, aluminum scrap, auto bodies, major appliances and other metals, including containers that are regulated pursuant to PRC sections 14511.7, 14518, or 14520.

(x) "Separated for reuse" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream for the purpose of reuse or recycling, and includes materials that have been "source separated".

(y) "Solid waste" means the same as in PRC §40191.

(z) "Source separated" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream, at the point of generation, for the purpose of reuse or recycling.

(aa) "Storage" means the holding of waste or recyclable materials for a temporary period, at the end of which the material either is recycled or is transferred elsewhere.

(bb) "Vector means the same as in 27 CCR 20164.

NOTE: Authority cited: PRC §§ 40502, 43020, and 43021.

Reference: PRC §§ 40053, 43020, and 43021.

Section 17381.1 Regulatory Tier Requirements for Construction and Demolition and Inert Debris Operations and Facilities.

Sections 17383 through 17388 set forth the regulatory tier requirements (Title 14, Division 7, Chapter 5.0, Article 3.0, commencing at section 18100, and Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0 and 3.1 of the California Code of

Regulations, commencing with section 21570), that apply to specified types of construction and demolition and inert debris operations and facilities.

NOTE: Authority cited: PRC §§ 40502, 43020, and 43021.

Reference: PRC §§ 40053, 43020, and 43021.

Section 17382. Excluded Activities.

(a) The following activities do not constitute construction and demolition and inert material operations or facilities for the purposes of this Article and are not required to meet the requirements set forth herein:

(1) Storage of unprocessed construction and demolition debris for biomass conversion operations.

(2) Construction and maintenance of roads and bridges, transportation-related appurtenances, pavement repair or other similar construction and maintenance activities where soil, rock or rock products, asphalt concrete, and Portland cement concrete pavement are reused or recycled for use on the same project or in the nearby vicinity, construction sites including associated storage of such materials at borrow and construction sites.

(3) Engineered fills whose construction is governed by an approved mine reclamation plan or public highway and road construction plan, and which utilize only inert materials.

(4) Storage of inert fill materials in total amounts of less than 1,000 cubic yards in any one location of one acre or less per parcel.

(5) Landslide debris that block or limit the safe use of public roadways and highways.

(b) Nothing in this section precludes the enforcement agency or the board from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.

The burden of proof shall be on the owner or operator to demonstrate that the operations are excluded pursuant to this section.

NOTE: Authority cited: PRC §§ 40502, 43020, and 43021.

1 Reference: PRC §§ 40053, 43020, and 43021.

2
3 **Section 17383. Construction and Demolition Processing Operations.**

4
5 All processing operations subject to this Article shall comply with the Enforcement
6 Agency Notification requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0
7 of the California Code of Regulations and commencing with section 18100. These
8 operations shall be inspected by the EA to verify compliance with minimum standards.
9 Inspections shall be conducted quarterly, unless the EA determines a lesser or greater
10 frequency is necessary. An inspection shall be conducted at least once a year.

11
12 NOTE: Authority cited: PRC §§ 40502, 43020, and 43021.

13 Reference: PRC §§ 40053, 43020, and 43021.

14
15 **Section 17383.1 Emergency Construction and Demolition/Inert Debris Operations.**

16
17 (a) All emergency construction and demolition/inert debris operations shall
18 comply with the Enforcement Agency Notification requirements set forth in Title 14,
19 Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing
20 at section 18100). These operations shall be inspected by the EA as necessary to
21 verify compliance with minimum standards, but in no case shall the frequency be less
22 than monthly.

23 (b) In addition, the emergency construction and demolition/inert debris operations
24 shall meet the following requirements:

25 1) the land owner has certified his/her knowledge of the proposed activity and
26 agrees to ensure proper termination, and;

27 2) The operation shall not exist for a period of time greater than 120 days from
28 the date that the Enforcement Agency Notification is received by the EA. Upon receipt
29 of the reports required by 14 CCR 17210.5, the operation may continue for an additional
30 period as specified by the EA to assist in the recovery and clean-up as necessary from
31 a state or local emergency.

1 (c) The emergency construction and demolition/inert debris operation shall cease
2 operation should the EA determine that any of the following occurs:

3 1) the emergency construction and demolition/inert debris operation is not being
4 used exclusively to handle the state or local emergency;

5 2) the emergency construction and demolition/inert debris operation is no longer
6 necessary in accordance with 14 CCR 17210.2;

7 3) the use of the emergency construction and demolition/inert debris operation
8 will cause or contribute to a public health and safety or environmental problem;

9 4) the operator is not utilizing disaster debris diversion programs to the extent
10 feasible.

11
12 NOTE: Authority cited: PRC §§ 40502, 43020, and 43021.

13 Reference: PRC §§ 40053, 43020, and 43021.

14
15 **Section 17384. Engineered Inert Filling Activities.**

16
17 Engineered inert filling activities which are not excluded per section 17382(a) "Excluded
18 Activities", shall comply with the Enforcement Agency Notification requirements set forth
19 in Title 14, Division 7, Chapter 5.0, Article 3.0. (commencing with section 18100) of the
20 California Code of Regulations. These activities do not include fills constructed or
21 operated for purposes of disposal.

22
23 NOTE: Authority cited: PRC §§ 40502, 43020, and 43021.

24 Reference: PRC §§ 40053, 43020, and 43021.

25
26 **Section 17384.1 Construction and Demolition Processing Facility.**

27
28 All construction and demolition processing facilities subject to this Article shall comply
29 with the Registration tier requirements set forth in Title 14 Division 7, Chapter 5.0,
30 Article 3.0.

1 NOTE: Authority cited: PRC §§ 40502, 43020, and 43021.

2 Reference: PRC §§ 40053, 43020, and 43021.

3
4 **Section 17385 Inert Disposal Facilities.**

5
6 Inert disposal facilities, as defined in section 17381, shall comply with the Registration
7 Permit requirements set forth in Title 14, Division 7, Chapter 5.0, Article 3.0
8 (commencing with section 18100 of the California Code of Regulations.

9
10 NOTE: Authority cited: PRC §§ 40502, 43020, and 43021.

11 Reference: PRC §§ 40053, 43020, and 43021.

12
13 **Section 17385.1 Construction and Demolition Disposal Facilities.**

14
15 All construction and demolition landfills or fills which do not meet the requirements of
16 sections 17382 through 17385 of this Article shall obtain a Full Solid Waste Facility
17 Permit, as set forth in Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3,
18 Articles 2.0 and 3.1 of the California Code of Regulations (commencing with section
19 21570). These facilities shall be inspected monthly by the Enforcement Agency in
20 accordance with PRC section 43218.

21 Owner/operators of existing construction and demolition/inert disposal sites may choose
22 to clean close the site in lieu of obtaining a Full Solid Waste Facility Permit. Clean
23 closure activities must be completed by December 1, 1999. A time extension of up to
24 one additional year may be granted by the Board with evidence of due cause.

25
26 NOTE: Authority cited: PRC §§ 40502, 43020, and 43021.

27 Reference: PRC §§ 40053, 43020, and 43021.

28
29 **Article 17386. Applicability of State Minimum Standards.**

1 Sections 17386.1 through 17386.3 set forth the minimum standards that apply to all
2 types of construction and demolition and inert debris operations and facilities.
3 Approvals, determinations, and other requirements which the enforcement agency is
4 authorized to make under Article 5.9 shall be provided in writing to the operator. The
5 operator shall maintain a copy of these approvals in addition to those records identified
6 in section 17387.

7
8 NOTE: Authority cited: PRC §§ 40502, 43020, and 43021.

9 Reference: PRC §§ 40053, 43020, and 43021.
10

11 **Section 17386.1** **Siting on Landfills.**

12
13 Operations and facilities or portions thereof, located atop fully or partially closed solid
14 waste landfills shall meet postclosure land use requirements pursuant to Title 27,
15 California Code of Regulations, section 21190. Operations and facilities or portions
16 thereof, located on intermediate cover on a solid waste landfill shall locate operations
17 areas on foundation substrate that is stabilized, either by consolidation or mechanical
18 compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of
19 pads or structural foundations. Operations and facilities or portions thereof, located on
20 intermediate cover on a solid waste landfill shall be operated in a manner not to
21 interfere with the operations of the landfill or with the closure or postclosure
22 maintenance of the landfill.

23
24 NOTE: Authority cited: PRC §§ 40502, 43020, and 43021.

25 Reference: PRC §§ 40053, 43020, and 43021.
26

27 **Section 17386.2** **General Design Requirements.**

28
29 (a) Design or alteration of a new or existing disposal facility shall be under direction of a
30 person registered as a civil engineer in the State of California. The designer shall utilize

1 expert advice as appropriate from persons competent in soils, hydrology, geology,
2 landscape design, chemistry and other disciplines.

3 (b) The site design shall be based on appropriate data regarding the service area,
4 anticipated nature and quantity of debris to be received, climatological factors, physical
5 setting, adjacent land use (existing and planned), types and numbers of vehicles
6 expected to enter the site, drainage, monitoring and control of landfill decomposition
7 gas, and other pertinent information. If the site is to be used by the general public, the
8 design shall take into account features that may be needed to accommodate such
9 public use.

10 (c) The operation or facility shall be designed in such a manner as to minimize the
11 propagation or harborage of vectors, and the creation of nuisances. Other factors that
12 shall be taken into consideration are: dust control, noise control, public safety, and other
13 pertinent matters related to the protection of public health.

14
15 NOTE: Authority cited: PRC §§ 40502, 43020, and 43021.

16 Reference: PRC §§ 40053, 43020, and 43021.

17
18 **Section 17386.3** **State Minimum Standards.**

19
20 (a) All operations and facilities shall meet the following requirements:

21 (1) On site activities shall be conducted in a manner that minimizes vectors, litter,
22 nuisances, glare and other environmental impacts.

23 (2) The operator shall take adequate measures to minimize the creation of excessive
24 dust and particulates, and prevent safety hazards caused by obscured visibility. Dust
25 suppression methods or equipment, such as reduced processing, misting systems or
26 ventilation control, shall be implemented or installed if dust levels are deemed excessive
27 by the EA. Dust is excessive when it results in any of the following: A) Safety hazards
28 due to obscured visibility; or B) irritation of the eyes; or C) hampered breathing. If this
29 standard has been violated, the EA shall, in addition to any action to address the
30 violations, also refer this matter to the Department of Industrial Relations, Division of
31 Occupational Safety and Health.

1 (3) All operations and facilities that are open for public business shall post legible signs
2 at all public entrances with the following information:

3 (A) name of the operation or facility,

4 (B) name of the operator,

5 (C) facility hours of operation,

6 (D) listing of the types of materials that will or will not be accepted, and

7 (E) phone number where operator or designee can be reached in case of an
8 emergency.

9 (4) Roads within the subject operation or facility shall be kept in a safe condition and
10 designed to minimize the generation of dust and the tracking of material onto adjacent
11 public roads,

12 (4) Traffic flow into, on, and out of the subject operation or facility shall be conducted in
13 a safe manner.

14 (5) Operational equipment shall be adequate in type, capacity and quantity, and
15 sufficiently maintained to allow the operation or facility to meet the standards set forth in
16 this section.

17 (6) The operation or facility shall be kept in a state of repair. The operator shall
18 implement a preventative maintenance program to monitor and promptly repair or
19 correct deteriorated or defective conditions with respect to requirements of the CIWMB
20 standards.

21 (7) Operations or facilities located in urban areas shall provide and maintain attractive
22 visual screening of operating areas open to public view.

23 (8) Noise shall be controlled to prevent health and safety hazards to persons using the
24 operation or facility and to prevent nuisance to nearby residents. High noise areas shall
25 be: A) posted with warning signs that recommend or require hearing protection, B)
26 separated by barriers that limit access to authorized personnel only, or C) enclosed to
27 reduce noise transmission, as required by the EA and other applicable agencies. If this
28 standard has been violated, the EA shall, in addition to any action to address the
29 violations, also refer this matter to the Department of Industrial Relations, Division of
30 Occupational Safety and Health.

1 (9) The operator shall take adequate steps to control or prevent the propagation,
2 harborage, or attraction of flies, rodents, and other vectors.

3 (10) When operations are to be conducted during hours of darkness, adequate lighting
4 shall be provided to ensure safety and the ability to monitor incoming loads. Where
5 provided, lighting shall be designed to minimize glare to adjacent properties.

6 (11) The operator of an operation or facility shall implement a load checking program
7 to prevent the acceptance of waste, which is prohibited by this Article. At a minimum,
8 this program must include: the number of random load checks to be performed, a
9 location for the temporary storage of prohibited wastes removed during the load
10 checking process that is separately secured or isolated as determined by the EA, and
11 records of load checks and the training of employees in the recognition and disposition
12 of prohibited waste. A copy of the load checking program and copies of the most recent
13 load checking records for the last year shall be maintained in the operating record and
14 be available for review by the appropriate regulatory agencies.

15
16 NOTE: Authority cited: PRC §§ 40502, 43020, and 43021.

17 Reference: PRC §§ 40053, 43020, and 43021.
18

19 **Section 17387. General Record Keeping Requirements.**
20

21 All operations and facilities shall meet the following requirements:

22 (a) All records required by this Chapter shall be kept in one location and accessible for
23 three (3) years and shall be available for inspection by authorized representatives of the
24 board, enforcement agency, local health entity, and other duly authorized regulatory and
25 enforcement agencies during normal working hours.

26 (b) The operator shall record any public complaints received by the operator, including
27 the nature of the complaint, date the complaint was received, the name, address, and
28 telephone number of the person or persons making the complaint (if available), and any
29 actions taken to respond to the complaint.

30 (c) The operator shall record the quantity and type of material received and quantity of
31 product produced.

(d) The operator shall record the number of load checks performed and loads rejected.

NOTE: Authority cited: PRC §§ 40502, 43020, and 43021.

Reference: PRC §§ 40053, 43020, and 43021.

Section 17388. Report of Construction and Demolition Disposal Site Information.

(a) Each operator of a construction and demolition disposal site that is required to obtain a Full Solid Waste Facility Permit, as set forth in section 17385, shall, at the time of application, file a Report of Construction and Demolition Debris Disposal Site Information with the enforcement agency. A Report of Construction and Demolition Debris Disposal Site Information shall contain all of the information required in 27 CCR section 21600.

NOTE: Authority cited: PRC §§ 40502, 43020, and 43021.

Reference: PRC §§ 40053, 43020, and 43021.

Section 17388.1 Closure and Post-Closure Standards.

(a) All Inert disposal facilities, as described in section 17385, shall comply with the following requirements:

(1) The operator shall provide the EA with written notice of intent to close the site at least 30 days prior to beginning site closure.

(2) The operator(s) and owner(s) shall provide site closure to protect public health, safety, and the environment.

(3) The operator shall ensure that the following closure procedures are performed upon completion of operation and termination of service:

(A) all fill slopes shall not exceed 2:1 (horizontal :vertical), except where site-specific geologic and engineering analysis demonstrate that the proposed final slope will have a minimum slope stability factor of safety suitable for the proposed end use, and when the proposed final slope can be successfully revegetated;

1 (B) the operating grounds, excluding the disposal area, shall be cleaned of all
2 construction/demolition scraps and other materials related to the operation, and these
3 materials legally reused, recycled, or disposed;

4 (C) all machinery and equipment shall be removed from the site;

5 (D) prior to closure, all access roads, haul roads, and other traffic routes shall be
6 stripped of any remaining road base materials;

7 (E) areas of disturbed ground shall be covered with 18 inches of compacted soil; and

8 (F) a vegetative cover capable of self-regeneration without continued dependence on
9 irrigation, soil amendments or fertilizer shall be planted on disturbed areas during the
10 most favorable period of the year for plant establishment.

11 (b) Construction and demolition disposal facilities, as described in section 17385.1, shall
12 comply with the closure and post-closure maintenance requirements set forth in Title 27,
13 Chapter 3, Subchapter 5, commencing with section 21100. Closure, post-closure
14 maintenance and ultimate reuse of disposal sites.

15
16 **Section 17388.2 Financial Assurances.**

17
18 Operators of all disposal facilities shall comply with the requirements of Title 27,
19 Chapter 6, Subchapter 1, commencing with section 22200.

20
21 **Title 27**

22 **Division 2. Solid Waste**

23 **Subdivision 1. Consolidated Regulations for Treatment, Storage,**
24 **Processing or Disposal**
25 **of Solid Waste**

26 **Chapter 4. Documentation and Reporting for Regulatory Tiers,**
27 **Permits, WDRs and Plans**

28
29 **Section 21565. CIWMB - Exemptions from Requirement of a Permit or Other**
30 **Regulatory Tier Requirements. (T14:§ 18215)**

31
32 (a) After a public hearing the EA may grant an exemption from the requirement that the
33 operator of a facility obtain a permit or from other Regulatory Tier Requirements
34 established in Title 14, California Code of Regulations, Section 18100 et seq. Such an

1 exemption may be granted if the facility falls within one of the classifications in ¶
2 subsection (b) and all of the following findings are made:

3 (1) The exemption is not against the public interest.

4 (2) The quantity of solid wastes is insignificant.

5 (3) The nature of the solid wastes poses no significant threat to health, safety or the
6 environment.

7 (b) Classifications of solid waste facilities that may be exempted are:

8 (1) Facilities or portions thereof doing research funded primarily by government grants;

9 ~~(2) Construction disposal sites for short-term use (less than 90 days), in which only~~
10 ~~inert wastes are to be placed by city, county, or state agencies;~~

11 ~~(3)~~ Drilling mud disposal sumps for short-term use (less than one year) if significant
12 quantities of hazardous or toxic materials are not present in the mud, fluids and cuttings
13 from drilling and associated operations; *[Note: currently, on-site sumps are exempted*
14 *under T23 §2511(g) & in §20090(g) of this subdivision]*

15 (43) Unclassified waste management units as defined by the State Water Resources
16 Control Board (SWRCB);

17 ~~(54)~~ Farm or ranch disposal sites for one- or two-family use;

18 (65) Resource Recovery facilities intended only for demonstration purposes and not for
19 profit;

20 ~~(76) Disposal Sites~~ to be used exclusively for one of the following: for spreading of
21 either cannery wastes or oily wastes, mine tailings, ashes and residues, agricultural
22 wastes, street sweepings, dirt from excavations, slag if disposed of on site, or waste
23 water treatment sludge if disposed of on site or to specified agricultural lands; and

24 (87) Evaporation ponds for disposing of salts from oil and geothermal drilling
25 operations.

26 (c) The EA may inspect any exempted facility in accordance with Title 14, CCR,
27 Section 18083. Where the EA has reason to believe that circumstances have changed
28 and the findings made pursuant to subsection (a) can no longer be supported, the EA
29 may, after holding a public hearing, rescind the exemption.

30 ~~(ed)~~ All exemptions and rescissions of an exemption shall be forwarded to the CIWMB
31 within seven days after the decision is issued.

1 *[Comment: In exempting facilities, the EA should recognize that only facilities which*
2 *are solid waste facilities, as defined in Public Resources Code section 40194, must*
3 *obtain either a permit or an exemption. The following are examples of facilities that*
4 *need not apply for an exemption or a permit:*

5 1. *A facility solely engaged in purchase or sale of salvaged separated materials.*

6 2. *Scrap metal, glass, cardboard and fiber brokers and manufacturing firms, which*
7 *utilize salvaged materials.*

8 3. *Recycling centers that only handle salvaged separated materials for reuse.*

9 4. *Salvaged separated material collection, storage, or processing activities.]*

10 NOTE: Authority cited: Section 40502, Public Resources Code. Reference: Sections
11 43020, 43021 and 43103, Public Resources Code.